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IAGPA-F-SD

27 February 1985

MEMORANDUM FOR RECORD

SUBJECT: Meeting with DIA General Counsel

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1. (S/NOFORN/WNINTEL) On 26 February 1985, LTC Buzby and [] of Project CENTER LANE met with the following personnel in the office of the DIA General Counsel:

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[] , Office of the General Counsel
 Office of the General Counsel
 GDIP Staff
 DT5A

The purpose of the meeting was to discuss the requirement for Deputy Secretary of Defense or Secretary of Defense approval of DIA participation in Human Use activities.

2. (S/NOFORN/WNINTEL) LTC Buzby briefly outlined the decisions since 1979, pointing out that the human use issue has always been at the Department of the Army level, rather than at INSCOM level, as the question had been raised by ACSI. The issue evolved from a medical issue to a legal issue. LTC Buzby explained that he had attempted to get the human use issue to the INSCOM level and away from DA when INSCOM established its own Human Use Review Board. While all members of the board were briefed on Project CENTER LANE, it never got to the decision-making point because of the decision to transfer CL to DIA. The latest Human Use approval by the Secretary of the Army was obtained in September 1983, and was considered to be valid until the project was attached/transferred to DIA.

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3. (U) [] said that DIA will not set up its own Human Use Review Board, and will abide by past decisions of the DA General Counsel. [] continued by saying that the Deputy Secretary for Defense will probably cite past DA decisions and will approve DIA participation. He said that the DIA request for approval should parallel the DA reasons for the request without going into great detail. He said to include the background of the 1981 Deputy Secretary of Defense approval for DIA to participate in Project GRILL FLAME citing that the DoD General Counsel accepted the DA General Counsel's opinion on the human use issue.

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ARMY review(s) completed.

WARNING NOTICE: SENSITIVE
 INTELLIGENCE SOURCES AND
 METHODS INVOLVED

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4. (S/NOFORN/WNINTEL) [] asked LTC Buzby why he considered Project CENTER LANE an operational activity. LTC Buzby explained that the Project was not involved with researching and developing techniques and protocol, but was taking those techniques developed by a contractor and transferring the technology that had been developed in order to collect intelligence. The contractor was an R&D activity while developing techniques and were subject to the human use controls of the contractor and DoD. LTC Buzby, [] then explained that the DIA effort will be a balance of collection and research and development. The collection unit will be called a prototype unit as DIA will be validating the capability to use the techniques for collecting intelligence. It was stated that DIA actually has a three-part role: collection operations, research and development, and threat analysis.

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5. (U) [] asked that a draft request to the Deputy Secretary of Defense be prepared in the next couple of days. LTC Buzby said he would prepare the draft. [] will coordinate the draft through the DoD General Counsel before taking it to the Deputy Secretary of Defense. A question arose as to who would sign the request, with LTC Buzby saying he thought it should be LTG Williams as Director, DIA. [] said that perhaps Mr. Hurwitz should sign the request as the Project will be an NFIP capability and Mr. Hurwitz is the GDIP Program Manager. It was then brought out by [] that LTG Williams could also sign as the GDIP Program Manager. [] said the would talk to Mr. Hurwitz about who should sign the request and stated that he feels a signature by the GDIP Program Manager would carry more leverage with the Deputy Secretary of Defense than would the signature of the Director, DIA.

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6. (S/NOFORN/WNINTEL) It was noted that several people in the office of the DoD General Counsel in 1981, at the time of the original approval for DIA participation in Project GRILL FLAME, are still in that office and will remember the first approval.

7. (U) [] will arrange a pre-briefing for the DoD General Counsel.

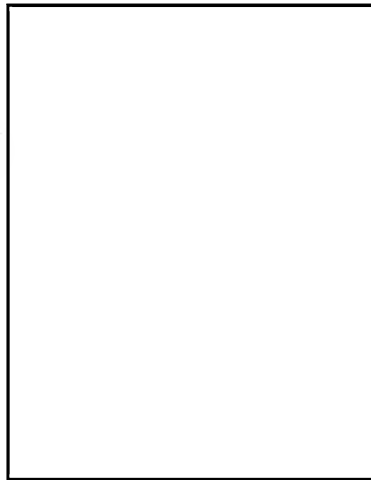
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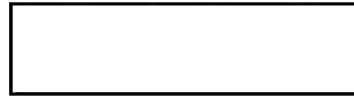
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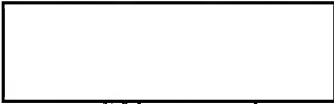
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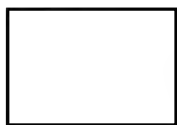
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Impose Dep Sec def ~ Sec def. approval for Human Use. Is this req'd?

B+ briefly entered briefing since 1979. Always in Army issue. Not INSCOM. All paperwork at Army level. Went from medical issue to legal issue. B+ attempted to get Human Use issue at INSCOM level + away from Army. INSCOM Human Use Review Board established + briefed. Never got to the point of decision-making. Let from CG INSCOM to ACSE etc. because of current situation. Approval of 1983 considered to carry them until the now.

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In  DA will not set up its own HU Board. Shall take by past precedents.



DSD will ^{probably} site past Army decisions + approve. DIA should parallel process for request without going into great detail.

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Back ground - back to 1981 DSD approval for DA.

DOD ^{PC} accepted DA Per Council opinion.

DIA 3 part role - 1. Jod
2. Leo
3. Thrust

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pre-bruf. will arrange pre-bruf of DoD GC